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The Commonwealth of Massachusetts

Department of Public Safety Architectural Access Board

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Board Meeting Minutes – November 28, 2016 **21st Floor – Conference Room 3**

Present Board Members:

- Walter White, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- David D'Arcangelo, Massachusetts Office on Disability Director (DD)
- George Delegas, Member (GD)
- Andrew Bedar, Member (AB)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Raymond Glazier, Massachusetts Office on Elder Affairs Designee (RG)
- Jane Hardin, Member (JH)
- Dawn Guarriello, Member (DG)

- Meeting began at approximately 9:00 a.m.

1) Discussion: Board Member Roll Call

WW - all but RG, DG and JH present

2) Discussion: Boston College Complaints (C16-055, C16-067-C16-087)

TH - EXHIBIT – complaints filed by Maryan Amaral

- met with General Counsel for Boston College, Joe Herlihy, and gave them copies of the complaints
- cited them on all of the complaints
- EXHIBIT – 11/16/16 letter from Herlihy seeking 90 working days to respond to the first notices in 1 of 4 ways: will give a list of those to be dismissed, work that can be done within this year, work that will need a time variance, or seek an outright variance

DM - grant a 90 business day extension to respond to the first notices
DD - second – carries unanimously

Dawn Guarriello, Designee (DG) – now present

3) Incoming: Worcester City Hall and Common Improvements, 455 Main St., Worcester (V16-332)

- TH - EXHIBIT – variance application and supplemental information
- no letter from the City allowing the contractor to submit the variance application, and service notice is notarized but not complete
 - EXHIBIT – e-mail from Scott Ricker on 11/27/16, asking to postpone the review of the case

DM - continue and contact applicant for more information
DG - second – carries unanimously

4) Incoming: Single Story Retail, 100 Worcester Rd., Framingham (V16-320)

- TH - EXHIBIT- variance application and supplemental information
- spending over 30%
 - construction is completed
 - EXHIBIT – e-mail from Karen Dempsey, Commission on Disability, on 11/27/16, not in support of variance request
 - ramps were newly constructed with the renovation of the building
 - slope is off .2-.3%

AB - continue to have the Petitioners provide spot measurements on the ramp with a 2-foot smartlevel, indicating the cross slopes and running slopes
DM - second – carries unanimously

5) Incoming: Eight Lots School House, 54 Eight Lots Road, Sutton (V16-331)

- TH - EXHIBIT- variance application and supplemental information
- no permits for the work done
 - single-room school house that has gone through a full renovation and restoration, not accessible
 - proposing a video screen outside of the building as a compliance alternative

DM - hearing
DG - second – carries unanimously

6) Incoming Discussion: CrossPointe Conference Center, 900 Chelmsford St., Lowell (V16-290)

- TH - received a phone call from Kevin Mudget and Mike Doyle of Garaventa stating that they cannot manufacture the LULA that was previously approved by the Board
- back to proposing 51” by 51” side exit LULA cab

DM - accept the 51" by 51" dimension
DG - second – carries unanimously

7) Incoming Discussion: 1360 Cambridge St. and 221 Hampshire St., Cambridge (V16-293)

TH - at last meeting, continued for more information regarding 2nd floor
- EXHIBIT – 11/18/16 received submittal from David Chilinski and Tracy Dupont of Prellwitz Chillinski Associates
- they added a stair within the building, proposing accessible entrance at main level, duplicate space at the other levels
- seeking no interior vertical access
- cost of lift is \$65,000 and \$180,000 for an elevator

AB - grant as proposed
DG - second – carries unanimously

8) Discussion: MV Chowder Company, 9 Oak Bluffs Ave., Oak Bluffs (C16-019)

TH - hearing in October, owner did not appear
- EXHIBIT – e-mail from property owner, November 21, 2016
- would like extension of time to supply information to the board (January 15, 2017), would like to complete installation of lift and completion of toilet rooms by May of 2017

DG - grant as proposed, and require confirmation of the dimensions comply with 521 CMR
DM - second – carries unanimously

DM - expedite
DG - second – carries unanimously

9) Incoming: Mixed-Use Building, 419-429 Main St., Melrose (V16-319)

TH - first reviewed on 11/14/16 and requested full site plans and pictures
- EXHIBIT – submittal of plans and pictures on November 22, 2016 from Dan Dellulo
- want to use a lift at the entrance at the rear of the building instead of the long ramp
- full access to the building otherwise
- the ramp is feasible, so need a variance for the use of a lift

DM - grant on the installation of the lift, on the condition that it is covered and weatherproofed
DG - second – carries unanimously

10) Incoming: Rosemary Pool, 0 Rosemary St., Needham (V16-328)

TH - EXHIBIT – variance application and supplemental information
- seeking variance for the lack of internal access within the recreation department building, internal stair is provided, but they are proposed to be emergency egress only

DM - no exterior door hardware at stair door?
TH - they are proposing that

DM - grant as proposed

DG - second – carries unanimously

WW left the room; DM acting chair

11) Incoming: Germantown Neighborhood YMCA, 366 Palmer St., Quincy (V16-338)

- TH - EXHIBIT – variance application and supplemental information
- internal lift serves both floors, mid stop serves an entry that is not accessible
- seeking to modify to remove mid-level stop

DD - grant as proposed

DG - second – carries unanimously

WW now present - acting as chair

12) Discussion: Union Station, 55 Frank B. Murray St., Springfield (V15-224)

- TH - previously granted 3 phases of work
- federal railway department intervened and noted that design had to be changed due to width of stairs adjacent to the train tracks
- EXHIBIT – submittal from Guy Bresnahan of DoT, received on November 14, 2016

DM - grant as proposed

AB - second – carries unanimously

13) Incoming: Leicester Public Library, 1136 Main St., Leicester (V16-337)

- TH - EXHIBIT – variance application and supplemental information
- seeking variance for main entrance door (25.1, 25.2, 25.3 and 25.6)
- are proposing to install automatic door openers at the main entrance doors
- creating new main entrance at the rear of the building

DM - grant as proposed

DD - second – carries unanimously

14) Incoming: Middle East Restaurant, 472 Mass Ave., Cambridge (V16-327)

- TH - EXHIBIT – variance application and supplemental information
- EXHIBIT – e-mail from Larry Braman, Cambridge Inspectional Services, submitted on 11/30/15; Michael Muehe, Cambridge Commission on Disability, on 11/4/16 opposed to the variance request
- seeking a variance for the lack of access to the stage

DM - deny

AB - second – carries unanimously

15) Incoming: Brookline Dental Specialists, 21 Longwood Ave., Brookline (V16-333)

- TH - EXHIBIT – variance application and supplemental information
- no partial application analysis

- construction is complete and temporary CO has been issued
- seeking a variance for the lack of accessible entrance
- also appears that none of the exam rooms are accessible

DM - deny

DG - second – carries unanimously

16) Discussion: Cochituate Home Cooperation, 12-A Interfaith Terrace, Framingham (V13-178)

TH - EXHIBIT – submittal from Michael Jacobs, amending the application, received on 10/28/16; e-mail from Karen Dempsey on 11/14/16, noting that she and the Commission met with the petitioners in July, and voted 6-0 to support the proposed mix

DM - grant as proposed

AB - second – carries unanimously

DM - expedite

DG - second – carries unanimously

Deirdre Hosler, Deputy General Counsel for DPS (DH) and William Joyce, Compliance Officer for the Board (WJ) – now present

17) Discussion: Executive Session, MGL 30A, Section 30A & 21(a)(3) to discuss the pending case of DSF IV Danvers Owner LLC vs. DPS and AAB: MICV 1681CV03052

WW - motion to go into executive session

WW - yes

DM - yes

AB - yes

GD - yes

DG - yes

- motion passes to go into executive session and will return to regular business

WW - roll call vote to go back into regular session

DM - yes

AB - yes

DD - yes

GD - yes

DG - yes

- motion carries unanimously and now back to regular session

DH left for the day

18) Incoming: MIT, Building E17, E18 and E19, 400 Main St., Cambridge (V16-335)

- TH - EXHIBIT – variance application and supplemental information
- proposing to have 4 of 5 entrances to be accessible, seeking variance for one entrance
- spending over 30%

DM - *grant as proposed*

DG - *second – carries unanimously*

Brief break

19) Incoming: 3-story Mill Building, 6 Brussels St., Worcester (V16-329)

- TH - EXHIBIT – variance application and supplemental information
- application is from the tenant, not the building owner
- some time variances for public and common use space, owned by the building owner
- no vertical access to the floors of the old mill building

DG - *deny and require board staff to contact the owner of the building*

DM - *second – carries unanimously*

TH left the room

20) Incoming: Crystal Cave Family Entertainment Center, 790 Southbridge St., Auburn (C16-047 & V16-326)

- WJ - EXHIBIT – variance application and supplemental; complaint form and supplemental information
- EXHIBIT -10/5/16 received letter from Guy Powell, owner, requesting variance
- entry ramp is 38”, going to expand to comply with 48”
- variance for clearance between the handrails 46”
- landing is 12” short for ramp
- EXHIBIT - 11/27/16 received e-mail from Karen Dempsey, Complainant, accepting of the ramp dimensions

AB - *grant, on the condition that bottom of the ramp is brought into compliance and handrails corrected throughout*

GD - *second – carries unanimously*

WJ left the room; TH present

21) Incoming: Existing Apartment Building, 158 Walnut Ave., Roxbury (V16-336)

- TH - EXHIBIT – variance application and supplemental information
- rebuilding existing ramp
- existing ramp has slopes of up to 11%
- proposed slopes will be improved to 9.4% and landing dimensions will be improved and comply with the requirements of 521 CMR 24

DM - *grant as proposed*

GD - *second – carries unanimously*

22) Incoming: Barre3 – Fitness Studio, 1624 Beacon St., Brookline (V16-334)

- TH - EXHIBIT – variance application and supplemental information
- tenant space to be renovated into fitness studio
 - entrance at the rear, four steps up to tenant space
 - to ramp from the rear, have to cut the floor
 - tenant space is only 1,400 square feet
 - chain fitness studio
 - cost to build the ramp is \$34,500
- EXHIBIT – e-mail from Saralynn Allair, Chair of Brookline Commission on Disability, received on 11/21/16

DM - *grant as proposed, for this use only*

DG - *second – carries unanimously*

WJ now present

23) Hearing: Parking, 945 Washington Street, Stoughton (C14-110) – Fine

- WW - called to order at 11:35 a.m., scheduled for 11:00 a.m.
- introduce the Board

William Joyce, Compliance Officer for the Board (WJ)

- WW - WJ sworn in
- EXHIBIT 1 – AAB1-27

- WJ - at the August 8, 2016 hearing, Board voted to schedule a fine hearing
- delivery was attempted on November 12, 2016, and notice was left that required to pick up the notice at the post office
 - since continued to ignore order of the Board, would be okay to fine
 - lot is not lined, but the parking was noted as having lined spaces, and parked cars for more than 15 have been shown in the google maps images
 - submit USPS has left tracking information and notice

- WW - accept as EXHIBIT 2 – tracking information

- WJ - building inspector sent the plans, but no discussions with him since submittal of parking plan

- WW - any other evidence other than the google images
- WJ - AAB18 shows cars parked at the side

- WJ - also shows that the parking was not built to plan
- WW - yes, can see that

- WJ - this is the only plan that has parking spaces shown, submitted by building department
- plan shows 14 spaces, but the plan for parking was built differently and parking at the side of the building

DM - fine at a rate of \$100/day, seven-day basis, starting tomorrow, November 29, 2016, to continue until such time that compliance with the requirements of 521 CMR 23 are proven

AB - second – carries unanimously

DM - expedite

DG - second – carries unanimously

WW - would like building inspector to bring decision of the board to the owner and visit site

DM - have building inspector enforce the decision of the Board, and ask that the owner complies with the board's order as soon as possible to end accruing fines

DG - second – carries unanimously

WJ left the room

24) Hearing: League School of Greater Boston, 250 Moose Hill Rd., Walpole (V16-237)

WW - called to order at 1:00 p.m.

- introduce the Board

Frank Gagliardi, Executive Director of the League School (FG)

James Christopher, Roche-Christopher Architects (JC)

John Sabbag, Construction Consultant (JS)

David Norton, Building Inspector, Town of Walpole (DN)

WW - all sworn in

- EXHIBIT 1 – AAB1-46

JC - original education living center was designed and occupied in 2013; grade level is accessible

- upper level is not accessible, lower level is mechanical space

- League School is for children with different levels of autism

- elevator was not included initially due to auditory triggers of the students and potential problem for children hiding in the elevator

- first living level is accessible

- League School's program has all students that are ambulatory

- even parents or guardians are not allowed to go to sleeping rooms

- in 2015, asked to renovate another building on the campus

- construction costs to renovate was too expensive, better was to demolish and create a new building

- basement is a walk-out from rear, lift from grade to a covered porch at the first living level

- used the same design intent of no elevator

- when applied for the permit, building inspector questioned compliance with 521 CMR at the proposed building and the existing building

- due to the fact that the students needed housing, was allowed to proceed with an at-risk permit

FG - in the 50 years in business, never had a student that was physically handicapped

- students have 2:1 student to teacher ratio

- all elevators are locked, no child has ever been on the elevator on campus

- everything is for the safety of the children, installed sprinkler system in each building, even though not required to do so

- parents are not allowed within the rooms, they visit within the common areas

- would also house a child on a floor that is accessible if so requested
- WW - issue noted on the packet that additional variances may be required
- TH - yes, since dormitory use, need verification that all of the multiple dwelling sections of 521 CMR met
- no further analysis done
- JC - had cited wrong sections of the code
- letter noted that it was a transient lodging facility
- TH - common spaces at both floors of the building
- unsure if other areas comply
- JC - grade levels are accessible, upper floors are not
- living areas at first and second floor, mirrored use at each floor
- TH - do the bathrooms at the first floor comply with Group 2B?
- JC - unsure, would have to consult with the architect for the project, but assume so
- GD - entrance is accessible, where would parents meet their children
FG - in the entryway, no allowed within the building
- GD - do they cook themselves?
FG - only with supervision
- JC - there are kitchens at each floor
- GD - lounge space?
FG - mostly used for staff
- JC - currently there is a building that houses the school
- the other buildings are for dormitory usage and to teach life skills
- any meeting would be held within the school building
- both of the dormitory buildings
- there are dedicated vans for trips and parking facility that abut the dormitory building
- GD - first floor has an accessible bedroom and bathrooms
JC - yes
- AB - what is the difference between building 1 and building 2?
JC - not much
- there are two rooms at the corner of the building in building 1, allowing students to hide
- building 2 has a more open building
- due to slope of building, had to install a LULA elevator
- TH - plans show a swing door
JC - yes, can submit updated plans of the LULA elevator to access the building from the parking lot
- TH - community room at basement

- FG - walk-out basement, accessible at-grade
- lift is to get up to the first floor
- AB - have to go outside to use the lift
- DG - why was a variance not requested for Building 1 prior to the start of Building 2?
- FG - didn't realize that a variance was required
- architect nor town brought up the need for a variance from 521 CMR
- DG - was RCA the original architect?
- JC - previous building was designed by my father, William Christopher, who has since left the firm
- in July 2016 sent letter to Building Commissioner of Walpole
- personal care facility, and noted that based on unit count, believed elevator not required based on International Building Code
- used same interpretation for the second building
- DN - started in Walpole this March
- DG - accommodations are a written policy?
FG - yes
- can you provide that to the Board?
FG - yes
- DG - AAB36, doesn't appear that the push and pull clearances have been provided at that room
- JC - that is a graphic error, and have revised and corrected the plans since then
- DG - is the parent not being allowed into the building a new policy, since I know someone with a student at the school and they are allowed to visit
FG - no, parents not allowed in the building is no one is present
- DG - no accessible parking spaces?
JC - can provide parking; will have to review the site plan
- DG - why can't the LULA go to the second floor?
JC - no porch at the second level to bring the LULA too
- FG - there will be accessible parking, it should be included in the site plan
- there are 7-8 accessible parking spaces on the campus currently
- DG - possible to enclose the LULA?
- how far along is construction?
- JS - it would not be possible at this point, due to the stage of construction
- original building is occupied
- current building is 50% complete; building is framed, roof is on, windows are in
- to make any change at this point would be an extensive cost
- TH - were allowed to proceed with a permit at risk

- JS - a million dollars in added costs to enclose
- JC - the lift that has been specified to get to the first floor, enclosing it would be creating an elevator shaft and require further sprinklers
 - would need to also change foundations
 - have cost estimates for inclusion of elevator
 - not sure what it would take to make a lift go further than one-story
- DG - what is the change in elevation?
 - can only grant a variance for one of two reasons: technological infeasibility or excessive cost without substantial benefit to persons with disabilities
- FG - it would be cost prohibitive
 - we have students waiting to move in
 - have funding to do the proposed work, cannot go back to the bank for more money
 - prohibitive costs at this point
 - \$100,000 above original cost, have to find that additional funding
- DD - open for how long?
 FG - 50 years
 - how many students?
 FG - about 10,000
 - how are you formed?
 FG - 501C3
 - is it state funding as well?
 FG - yes
 - public money being spent
 - have toured numerous schools for people with autism that have elevators
 - when both projects are done, how many people will be served
 FG - 32
 - typical stay is what?
 FG - 5-8 years
 - only catering to a specific disability and disregarding students with mobility impairments
- JS - what would be a reason for a student to get to the second floor?
 - can accommodate at the first floor
- DD - arguing that more of a dwelling unit than a dormitory use
 TH - yes but they are a dormitory use, and they do have accessible units
- JC - classified the building as a personal care facility which is section 9
 - amended the use
- DN - very specific that variance needed was for 28.1, regarding the lack of vertical access to the second floor
 - was told at the time that met with petitioners, that parents do go upstairs to meet with the therapists and the staff
 - the second floor definitely still has common use spaces
 - do not know how the first building was built
 - but still within statute of limitations

- DM - brand new buildings, should have complied when built
- TH - need clarification as to if a lift or a LULA
- DG - has the device been ordered?
JC - yes, can send the specifications of the device ordered
- DG - take the matter under advisement*
DM - second – carries unanimously
- JC - submittal of modifications for installing full elevator
- cost of full compliance, and current electrical system at Building 1 could not handle the installation of an elevator
- WW - accept as EXHIBIT 2

WW left the room, DM as acting chair

25) Discussion: Meeting Minutes from 10/31/16 and 11/14/16

- DM - any changes
- DD - accept 10/31/16*
AB - second – carries with GD abstaining
- AB - accept 11/14/16*
DD - second – carries with DG abstaining

WW now present and acting as chair

26) Hearing: Boston-Higginbotham House, 27 York Street, Nantucket (V16-236)

- WW - called to order at 2:00 p.m.
- introduce the Board

Marsha Fader, Project Manager (MF)
Diana Parcon, Director of Capital Improvements and Facility Operations (DP)
Cheis Garrus, Director of Finance (CG)

- WW - all sworn in
- EXHIBIT 1 – AAB1-50
- DP - trying to revive historic buildings on Nantucket to be part of the Museum of African American History
- home built in 1774 by a freed slave and his Wampanoag wife
- MF - seeking approximately 9 variances from 521 CMR
- studied the building to create access,
- site is comprised of five buildings
- are providing access for the site

- the site is located in the downtown area of Nantucket
- can walk to the site from downtown
- residential area
- in 1999 the African Meeting House was opened to the public
- 5 structures, the house, and four other buildings; all of which are historic
- Meeting House was completed in 1999
- other buildings undergoing restoration for the last 3.5 years
- Chicken House is being converted to accessible toilet room

KS - submittal of the boards since not in packet

WW - yes, EXHIBIT 2
- submit in PDF form for file

MF - have lifted all 3 buildings to create an accessible route into those buildings
- the Cottage will be a small visitor center/reception area, and will be accessible
- the Garage will house small classes of 10-15 and will be accessible
- second floor will be used for temporary housing for interns and scholar of residence
- first floor will not be accessible due to the existing layout of the first floor
- vertical plank construction, so widening of the doors would be excessive cost, but also historic detriment to the building
- submittal of door modification costs

WW - accept costs as EXHIBIT 2

MF - accommodation proposal to provide photographic and video presentation available for someone unable to access the house
- primary issue of housing for intern or scholar of residence, would house someone unable to access the building, would provide housing at another location
- met with Mickey Rowland and Brenda McDonough from the Nantucket Commission on Disability, and they did submit a letter of support
- will also provide a narrow wheelchair at the home, so that it is available for transfer
- there is no significant change of level, so no issue with someone with a can
- the last owner of the property was Florence Higginbotham, who lived her last years in the house in a wheelchair at the first floor, as she had both of her legs amputated

DP - November 18, 2016 letter from Nantucket Preservation Trust
- letter in support of the variances requested

WW - accept as EXHIBIT 4

GD - the building is open now?

MF - not currently, working under CPC grant funding, hoping to have it open within a year
- Meeting House is already accessible?

DP - yes

MF - the main house will be open to the public only by appointment, since the second floor will be housing
DP - plan to also provide a virtual tour that will be shown within the Cottage

DP - not a house museum
- focus is on teaching of the history of the property

- MF - won't be furnished with historic furniture, it is only for the details of the architecture
- GD - will not be used as a museum?
DP - no
- GD - 29" clear at the door clearances
- TH - have granted variances in the past for historic homes with door clearances of down to 31", but have also required some to modify the doorways to comply
- GD - door #3 could be widened?
- MF - cannot widen Door #3, not just the door, adjacent cabinet
- #8 has a structural beam on either side of the opening
- floor plan is the original 18th century floor plan
- did look at the side entrance, but would only get you into Room 102 and no further
- AB - are there any interior restrictions
MF - no other than the standards held by the Museum
- DD - target amount of visitors per year?
DP - realistically, since window is from May to Columbus Day, hoping for 8-10,000
- work a lot with the school outreach programs
- DD - AAB8, recommendations from the Commission on Disability
- make the lack of accessibility apparent on all marketing materials
- would like to include EEOC language and actively recruit persons with disabilities
- DM - doing everything that the Disability Commission recommended, but not heard about the use of a portable ramp
MF - gains access to the sunroom, but only a clear width of 29 ¼"
- but would rather have people go thru the main entrance with the 29" clearance to have access to the floor
- DG - understand the proposal for the portable ramp, based on the path of travel throughout the campus
MF - Another pathway that is not shown goes around to the front entrance
- DD - grant all of variances requested, on the condition that all suggestions from Disability Commission (as noted on AAB8), and that all marketing material notes the level of accessibility throughout the campus and that all employment recruiting has Equal Employment Opportunity Commission language included*
- DG - second*
- WW - *by the time you find someone to install the portable ramp, you would be able to get around to the front door*
- DD - modify that conditional for the first four recommendations, exclude the 5th one*
DG - accept, on the condition that accessible route created from the side entrance to the front entrance

MF - there is not an easy way to provide a fully compliant path of travel, so may have to provide the portable ramp

DD - withdrawing amendment, original motion stands

DG - support

- motion carries unanimously

27) Discussion: League School of Greater Boston, 250 Moose Hill Road, Walpole (V16-237) – Continued

DM - reopen

DG - second – carries unanimously

DM - deny the variances requested, based on the fact, not proven technologically infeasible nor an excessive cost without substantial benefit to persons with disabilities; for both buildings; cannot occupy the second building until a viable plan for accessibility within each building is submitted and approved by the Board

AB - second – carries unanimously

DG - expedite

AB - second – carries unanimously

DM left for the day

28) Hearing: Commercial Building, 476 Boston Turnpike Road, Shrewsbury (C16-015 and V16-235)

WW - called to order at approximately 3:15 p.m.

- introduce the Board

Scott Neri, Regional Manager for Buffalo Wild Wings/Building Owner Representative (SN)

William Joyce, Compliance Officer for the Board (WJ)

Karen Dempsey, Complainant (KD)

WW - all sworn in

- EXHIBIT 1 – AAB1-30

KD - there was a ramp there, which was removed

- did not know why or when the ramp was removed

WJ - the first notice was sent on May 31, 2016, second notice sent on July 7, 2016

- received variance application on July 28, 2016

- when reviewed by the Board administratively, e-mail from Ms. Dempsey was received noting her opposition to the variance application

- ramp was removed in order to provide two separate entrances to the tenant spaces; one to Buffalo Wild Wings and the other to the adjacent tile shop

SN - when the one tenant space was divided into two tenant spaces, they needed to create a direct entrance into the tile shop

- have added additional accessible parking spaces, and created more access than previously

- it would be expensive to remove the stairs and reinstall the ramp, would require complete regarding of the site as well

WW - both entrances to the tenant spaces are accessed directly from the front entrances

SN - yes

- stairs lead to the side of the building, no further entrance doors

- curb cut never provided at the sidewalk at the sidewalk by the stairs, adjacent with the parking lot

KD - when accessible parking is full, need to park in other spaces; parking would have to be at the rear and have to traverse through the traffic lanes to get to the main entrance

- cost to fix this, versus safe access to the accessible entrance

TH - have removed the language about traveling in vehicular lane, everyone has to travel in the vehicular lane at some point, whether a person with a disability or not

- should have provided curb cuts at that sidewalk at construction, but now leading to stairs is definitely an issue

SN - majority of parking is in the front of the building

WJ - site plan of where the parking is provided

DG - how many parking spaces?

SN - under 200

- they have 6 accessible parking spaces provided with 1 van accessible space

KD - issue is the stairs and the lack of a safe path of travel

SN - first time heard of not having enough accessible parking spaces

KD - sports venue, so more popular for night games

- if sidewalk removed then all have to travel the same route through the lot

WW - how is the lighting in the parking lot

SN - all new lighting, and lights stay on until 3 a.m.

GD - any other entrances to the building?

SN - no, only loading docks

GD - find in favor of the Complainant

AB - second – carries unanimously

TH - any cost estimates?

SN - nothing to submit, but reason for applying for the variance was due to the cost of compliance for the recreation of the ramp or removal of the stairs

GD - grant as proposed

AB - second – carries unanimously

- WJ - EXHIBIT – variance application and supplemental information
- many variances requested
- patio terrace balconies

DG - *schedule a hearing*

DD - *second – carries unanimously*

30) Incoming Discussion: House of Peace and Education, Inc., 29 Pleasant St., Gardner (V16-254)

- TH - first reviewed on 9/12/16
- voted to continue for more information and a meeting with the applicant
- met with the applicant
- previously used as a billiard bar room and changing to House of Peace and Education
- no change of use
- no permit information, but knew that sprinklers and fire alarm system installed when bar room creating
- EXHIBIT – 10/17/16 received additional information from Building Inspector regarding the value of the building at the time
- on 10/17/16 continued again to review again on 10/31/16
- still unable to make a decision regarding the lack of permitting and plans
- EXHIBITS – submittal of e-mails from owner, including proposal for sprinklers and fire alarm systems over the past two weeks
- based on the work done, and work found, no jurisdiction

DG - *no jurisdiction*

AB - *second – carries unanimously*

31) Discussion: Ventforth Hall Building, 104 Walker St., Lenox (V13-110)

- TH - EXHIBIT – e-mail Jamie Reinhardt on 11/19/16
- previously granted time variance for October 1, 2016, with copy of signed elevator contract, to be submitted by October 1, 2015
- received nothing
- modified order to submit the required information by January 2, 2017

Send decision

DG – *expedite previous decision*

AB - *second – carries unanimously*

32) Discussion: Acton Town Hall, Temporary Offices, 33 Nagog Park, Acton (V14-241)

- TH - case was originally heard on 9/22/14
- October 5, 2016 Town Meeting approved funds to relocate current senior center space
- once that work is done, can return remaining 8 employees to the town hall in 2017
- EXHIBIT – 11/8/16 submittal from Refugio Zavala, AIA; e-mail from Danny Factor of Acton Commission on Disability on 11/28/16

DD - *grant and extend time variance as proposed*

DG - *second – carries unanimously*

33) Discussion: First United Methodist Church, 120 West Main St., Westborough (V16-070)

- TH - final decision on 8/31/16 issued

- EXHIBIT – e-mail on 11/16/16, Chris Howe of CDHA, seeking to modify the Board’s order and provide less access

No action taken

34) Incoming: Patient/Visitor Garage, 137 Belmont Street, Worcester (C16-057 & V16-330)

- TH - EXHIBIT – variance application and supplemental information; complaint file
- seeking variance for the height of the garage
 - 450 parking spaces over 4 floors
 - restriping and signage
 - 23.4.7, height is 96.5” provided, required to have 98”

DD - grant as proposed

DG - second – carries unanimously

35) Incoming: Housing, 163 Walnut St., New Bedford (V16-321)

- TH - EXHIBIT – variance application and supplemental information
- three entrances, one accessible
 - large renovation
 - spending over 30%
 - seeking a variance for the lack of access at the two noncompliant entrances
 - no accessible units within the building

AB - grant as proposed

GD - second – carries unanimously

36) Incoming: Housing, 99 Acushnet Ave., New Bedford (V16-322 & C16-007)

- TH - EXHIBIT – variance application and supplemental information
- reconstruction of 12 unit residential building with one accessible unit
 - renovation will make 2nd entrance accessible, seek variance for lack of access at 3rd entrance

AB - grant as proposed

DG - second – carries unanimously

37) Incoming: Housing, 347 South St., New Bedford (V16-323)

- TH - EXHIBIT – variance application and supplemental information
- reconstruction and remodel
 - 12 unit, 3-story with one accessible unit
 - 3 entrances, currently only one accessible, will provide a second, seeking variance for lack of access at 3rd entrance

AB - grant as proposed

DG - second – carries unanimously

38) Incoming: Housing, 9 Bedford St., New Bedford (V16-324)

- TH - EXHIBIT – variance application and supplemental information
- 38 unit, 4-story building, with 4 accessible units
 - 3 entrances, 2 completely accessible, seeking variance for one entrance that has 5 steps from sidewalk

DG - grant as proposed
AB - second – carries unanimously

39) Incoming: Housing, 68 South St., New Bedford (V16-325)

TH - EXHIBIT – variance application and supplemental information
- 2 entrances, interior steps
- 24 units, 4 story, one hearing impaired accessible unit
- seeking variance for no accessible entrances

DD - continue for more information regarding costs and test drawings for providing an accessible entrance

DG - second – carries unanimously

- End of Meeting -

Matters not reasonably anticipated 48 hours in advance of meeting

- House of Peace and Education, Inc., 29 Pleasant St., Gardner (V16-254) - 10/17/16 received additional information from Building Inspector regarding the value of the building at the time; submittal of e-mails from owner, including proposal for sprinklers and fire alarm systems over the past two weeks
- First United Methodist Church, 120 West Main St., Westborough (V16-070) - e-mail on 11/16/16, Chris Howe of CDHA, seeking to modify the Board's order and provide less access

EXHIBITS:

- Boston College Complaints (C16-055, C16-067-C16-087) - complaints filed by Maryan Amaral; 11/16/16 letter from Herlihy seeking 90 working days to respond to the first notices
- 1360 Cambridge St. and 221 Hampshire St., Cambridge (V16-293) - 11/18/16 received submittal from David Chillinski and Tracy Dupont of Prellwitz Chillinski Associates
- MV Chowder Company, 9 Oak Bluffs Ave., Oak Bluffs (C16-019) - e-mail from property owner, November 21, 2016
- Mixed-Use Building, 419-429 Main St., Melrose (V16-319) - submittal of plans and pictures on November 22, 2016 from Dan Dellulo
- Union Station, 55 Frank B. Murray St., Springfield (V15-224) - submittal from Guy Bresnahan of DoT, received on November 14, 2016
- Cochituate Home Cooperation, 12-A Interfaith Terrace, Framingham (V13-178) - submittal from Michael Jacobs, amending the application, received on 10/28/16; e-mail
- Ventforth Hall Building, 104 Walker St., Lenox (V13-110) - e-mail Jamie Reinhardt on 11/19/16
- Acton Town Hall, Temporary Offices, 33 Nagog Park, Acton (V14-241) - 11/8/16 submittal from Refugio Zavala, AIA; e-mail from Danny Factor of Acton Commission on Disability on 11/28/16
- Worcester City Hall and Common Improvements, 455 Main St., Worcester (V16-332) - variance application and supplemental information; e-mail from Scott Ricker on 11/27/16, asking to postpone the review of the case

- Single Story Retail, 100 Worcester Rd., Framingham (V16-320) - variance application and supplemental information; e-mail from Karen Dempsey, Commission on Disability, on 11/27/16; not in support of variance request
- Eight Lots School House, 54 Eight Lots Road, Sutton (V16-331) - variance application and supplemental information
- Rosemary Pool, 0 Rosemary St., Needham (V16-328) - variance application and supplemental information
- Germantown Neighborhood YMCA, 366 Palmer St., Quincy (V16-338) - variance application and supplemental information
- Leicester Public Library, 1136 Main St., Leicester (V16-337) - variance application and supplemental information
- Middle East Restaurant, 472 Mass Ave., Cambridge (V16-327) - variance application and supplemental information; e-mail from Larry Braman, Cambridge Inspectional Services, submitted on 11/30/15; Michael Muehe, Cambridge Commission on Disability, on 11/4/16 opposed to the variance request
- Brookline Dental Specialists, 21 Longwood Ave., Brookline (V16-333) - variance application and supplemental information
- MIT, Building E17, E18 and E19, 400 Main St., Cambridge (V16-335) - variance application and supplemental information
- 3-story Mill Building, 6 Brussels St., Worcester (V16-329) - variance application and supplemental information
- Crystal Cave Family Entertainment Center, 790 Southbridge St., Auburn (C16-047 & V16-326) - variance application and supplemental; complaint form and supplemental information; 10/5/16 received letter from Guy Powell, owner, requesting variance; 11/27/16 received e-mail from Karen Dempsey, Complainant, accepting of the ramp dimensions
- Existing Apartment Building, 158 Walnut Ave., Roxbury (V16-336) - variance application and supplemental information
- Barre3 – Fitness Studio, 1624 Beacon St., Brookline (V16-334) - variance application and supplemental information; e-mail from Saralynn Allair, Chair of Brookline Commission on Disability, received on 11/21/16
- Soldiers Field Park, 610-640 Soldiers Filed Road, Boston (V16-314) - variance application and supplemental information
- Patient/Visitor Garage, 137 Belmont Street, Worcester (C16-057 & V16-330) - variance application and supplemental information; complaint file
- Housing, 163 Walnut St., New Bedford (V16-321) - variance application and supplemental information
- Housing, 99 Acushnet Ave., New Bedford (V16-322 & C16-007) - variance application and supplemental information
- Housing, 347 South St., New Bedford (V16-323) - variance application and supplemental information
- Housing, 9 Bedford St., New Bedford (V16-324) - variance application and supplemental information
- Housing, 68 South St., New Bedford (V16-325) - variance application and supplemental information